D.B.CIVIL WRIT PETITION NO. 3104/2006
Union of India & ors. v. Vijesh Kumar & anr.

Date of order : 12.10.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri M.S.Godara for the petitioners
Shri S.P.Sharma for respondent no.1.

This writ petition by the Union of India is directed against the order of the Central Administrative Tribunal, Jodhpur Bench dated 15.2.2006 in OA no. 125/2005 and MA no. 59/2005 directing the petitioners to consider "converting the status of the applicant from part-time casual labourer". The respondent was engaged as Sweeper on daily wages part-time basis on 1.2.1986 and he has been serving as such for over twenty years by now. He approached the Tribunal seeking direction to grant him temporary status as per Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1991, the relevant part of which runs as under :

> "Part time casual labourers are not covered by the Scheme. They may, however, be brought on the strength of full time casual labourers, subject to availability of work and suitability. For this purpose work requirements of different types and at neighbouring units can be pooled."

The Tribunal took the view that the respondent stands at par with one Raju whose Original Application (OA no. 184/2004) was disposed of with favourable direction, and accordingly disposed of

the application of the respondent with similar direction as quoted hereinabove. Counsel for the respondent stated that the order of the Tribunal was challenged in this Court in D.B.Civil Special Appeal (W) no. 580/2006 but this Court declined to interfere. We find no ground to pass a different order.

We accordingly dismiss this writ petition with the clarification that the case of the respondent is to be considered in the light of the aforesaid Scheme dated 16.8.1991 in accordance with law.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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